

PUBLIC HEARING: Bruce Wagner, 43 Crescent Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Bruce Wagner, 43 Crescent Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 43 Crescent Street maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 368.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record please.

Mr. Wagner: My name is Bruce Wagner. My home is at 43 Crescent Street. I'm here with Dave Gallant from Heritage Home Carpentry. I'm applying for a special permit for an addition to be built onto my ranch house facing Shady Lane. The addition is 17 ft. by 16 ft. The addition is going to be used as a mudroom entrance into the ranch. I also want to bring up a washer and dryer from the basement so it will also be a laundry area. There will also be a bathroom there. There will be no change to the Crescent Street side of the house since I live on the corner. So, it will be on Shady Lane. The addition will extend approximately 4 ft. into the setback on Shady Lane.

Mr. George: Do any board members wish to inquire?

Mr. Alarie: I think the second page of the handout shows it all. That dotted line represents the 30 ft. setback?

Mr. Wagner: That's correct.

Mr. Alarie: A good portion of the existing garage encroaches within that setback. That was built well before the current zoning was enacted. Just a small portion of the proposed addition takes advantage of that existing, nonconforming setback.

Mr. George: So, most of the addition's going to be inside the setback?

Mr. Alarie: Most of it would be conforming.

Mr. Rosen: This is a special permit.

Mr. Gordon: Is this going to remain a single car garage?

Mr. Wagner: Yes, it is.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition?

Ms. Murphy: Have you talked to your neighbors about this?

Mr. Wagner: A couple of neighbors had come over, mostly my next door neighbors, and they wanted to know what was going on. So, I showed them where it was. It's not going to be on their side or on the back of the house. It has the foundation and 2 retaining walls. It's a sunken back yard so I was limited to where I was going to put it. It's as small as it is and as good as it's going to look like the designs here. They didn't have any problem with it.

Mr. George: How many square feet is the addition?

Mr. Wagner: About 300 sq. ft. The ranch itself is 1,200 sq. ft.

Mr. George: Seeing that there are no other questions, we'll take it under advisement and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Bruce Wagner, 43 Crescent Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of an addition upon property located at 43 Crescent Street maintaining the existing front yard setback of said property.

The appellant's property is located at corner of Crescent Street and Shady Lane Ave. and has a nonconforming front yard setback of approximately 23 ft. to the latter street. Mr. Wagner proposes to construct a 16 ft. by 17 ft. addition to the rear of his home that, at its closest point, it would extend to within 26 ft. of the easterly sideline of Shady Lane Ave. It was the board's opinion that the siting of the addition as proposed would not materially alter the nonconforming configuration of this property and that it would not create any condition which would adversely impact the welfare of neighboring residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Todd Preble, 144 Holden Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Todd Preble, 144 Holden Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 144 Holden Street maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 14 as Plot 17.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record please.

Mr. Preble: My name is Todd Preble. I live on 144 Holden Street. It's on the corner of Holden and Sewall Street. Right now, my house is very small and my family is growing. I need to extend the room inside for the family to grow. Right now, I only have a 1-bedroom house. When my daughter comes over, she stays in a 5 ft. x 7 ft. room. So, I want to accommodate her plus I have a baby due in December. I want go straight up. I don't want to change the footprint or anything. I want to build the equity in my house

Mr. George: Do you have any plans that we could look at?

Mr. Preble: I gave 1 set of plans in there. That was just a sketch that the contractor drew up.

Mr. Gordon: Is the second story also going over the garage or just over the house?

Mr. Preble: Just above the house. It's supposed to cantilever off of the back.

Mr. George: Do any board members wish to inquire? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no

further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Todd Preble, 144 Holden Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 144 Holden Street maintaining the existing setbacks of said property.

The appellant's property was developed well before the adoption of the current applicable dimensional requirements set forth in Table II of the Zoning Bylaw and is nonconforming in terms of its area, frontage and front and rear yard setback requirements. Mr. Preble proposes to add a second story over a portion of the existing structure that will maintain its rear yard setback, which abuts Frybeck Pond, and will partially utilize the front setback as the attached garage, which will not be expanded, is positioned much closer to the street than the house proper.

It was the board's opinion that, in this instance, the vertical extension of the aforementioned setbacks would not materially change the parcel's nonconforming configuration or create any condition that would be detrimental to the welfare of neighboring properties. They found that the completed structure would be compatible with the general character of many of the other homes in this vicinity of Holden Street and, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Kevin and Jeanne O'Toole, 8 Roger Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Kevin and Jeanne O'Toole, 8 Roger Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a shed dormer addition upon property located at 8 Roger Street maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 295.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. O'Toole passed out sets of plans to the board members.

Mr. O'Toole: These are reduced copies of my plans. I actually have construction documents, the full blown set, if you'd rather see those.

Mr. George: Would you just state your name for the record and make your presentation.

Mr. O'Toole: My name is Kevin O'Toole. My wife and I live at this residence at 8 Roger Street. We're seeking a special permit at the direction of the building inspector's office for relief from a 30 ft. front yard setback facing Janet Circle. If you go to the mortgage inspection plan, you see that the front of the house is on Roger Street and the side of the house is fronting on Janet Circle.

What we're attempting to do is build a shed dormer addition on the back half of the house. Where we're seeking relief from is the 30 ft. front yard setback along Jane Circle. The idea is to improve the layout of the second floor. If you look at the existing second floor plan, you can see that it looks like it was just sort of thrown together over the years. What we're trying to do is to improve the livability of the space that's upstairs by moving the stairs and putting in a shed dormer addition on the back half of the house. You can see that on drawing A1.01, Second Floor Plan. The conflict that we're running into is along the setback for Janet Circle.

Mr. George: Ron, what's the setback there?

Mr. Alarie: The front setback in that district is 30 ft. The left rear corner of his home is about 24 ft. from the sideline for Janet Circle. So, there is only about 6 linear feet of the dormer that would extend within the setback.

Mr. George: Did you speak to any of your neighbors about this?

Mr. O'Toole: We had spoken with our neighbors. We saw that the notice had gone out. I guess it was done from the building inspector's office for the appeals board. A neighbor of ours came back and said that he had no problem with it. We actually spoke with another neighbor, Ralph Anderson, who came over to tell us that he was planning on being here. That's when we told him of our plans and, at the same time, he told us about his. Two of our neighbors, at least, had contact with us.

Mr. George: Do any board members wish to inquire?

Mr. Gordon: You're adding just a minimum of living space?

Mr. O'Toole: Yes.

Mr. Gordon: You must have missed the stairway?

Mr. O'Toole: Yes. We're just kicking up the back half so that we get some living space up above. You know that the classic Cape has knee walls at the front and back of the house.

Mr. Confalone: Looks like there's a covered stairway up in the back and you're adding an addition on the second floor?

Mr. O'Toole: Yes.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Kevin and Jeanne O'Toole, 8 Roger Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a shed dormer addition upon property located at 8 Roger Street maintaining the existing front yard setback of said property.

The appellants' property is located at the corner of Roger Street and Janet Circle and is nonconforming with respect to its area, frontage and front yard setbacks from each street. Mr. and Mrs. O'Toole propose to construct a second story dormer addition to the rear of their home. Approximately 6 lineal feet of the dormer will be situated within the front yard setback line adjacent to the Janet Circle frontage. The board found that, in this instance, the vertical extension of the rear wall of the existing structure to permit the partial expansion of the dwelling's second floor habitable area would not materially change the nonconforming features of this property or adversely impact the interest of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
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Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Celeste E. Busconi, 26 Old Faith Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Celeste E. Busconi, 454 Walnut Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 26 Old Faith Road maintaining the existing setbacks of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 52 as Plot 8.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record.

Ms. Busconi: Celeste Busconi.

Mr. George: Tell us what you'd like to do.

Ms. Busconi: Okay. As you can see by the pictures of the current residence, it's basically a 450 sq. ft. little box with no closets. It's a 450 sq. ft. box. The gentleman that's currently trying to sell it is having trouble selling it because it's only a 450 sq. ft. box. So, I'll buy it with the pretence that I can put an addition on and have my secretary live there.

Mr. Gordon: How big will the house be when you're done?

Ms. Busconi: About 1,500 sq. ft. You can see with the plan, the plot plan, we want to come off of the back side of the house 12 ft. and put a 12 ft. x 20 ft. first floor addition on and then go up on the second floor with the addition. It will cantilever out over the front 4 ft. with a farmers porch. I showed you a picture of what it would look like done.

Mr. Confalone: Are most of the houses around you cottage-type houses like this is?

Ms. Busconi: Well, if you see the picture I showed you of the first house, that house there did have a second floor addition put on. You can see that the white house in the background does have a second floor. That is the smallest house on the street. The neighborhood is sort of eclectic. There's a 2-family, there's a big single family and the houses behind that are actually on the lake. Those are up to 2 levels.

Mr. George: That gray building in the back of the house, is that part of the property too?

Ms. Busconi: Which gray building?

Mr. George: Behind the car.

Ms. Busconi: Oh, that's another house.

Mr. George: That's on another lot?

Ms. Busconi: Yes.

Mr. Gordon: You just have a shed behind the building?

Ms. Busconi: There's a shed, yes.

Mr. Gordon: Is that a common driveway for the houses behind you?

Ms. Busconi: Yes. There is a right-of-way for the 2 houses behind. The addition wouldn't interfere with that common driveway.

Mr. Gordon: We have a letter from an abutter? The letter we have is from what, the property at 26A or 28A, the one that you sent around the board?

Mr. George: We have a letter that was submitted by Scott and Sharon Pustis. I would just like to read it. It says "We are writing this letter to voice our opposition to this proposed first floor and second floor addition to 26 Old Faith Road. We are unable to attend the meeting tonight due to the conflict with a function for our daughter at the middle school. We own a house at 28A Old Faith Road and lots 25 and 27 Old Faith Road. The new construction will add 12 ft. to a nonconforming side setback. The whole project will form an imposing structure over the street, our front yard and driveway. It is already too close to the street and our property. We do not feel this would benefit the neighborhood in any way. Will the new owner live in this house? It is our belief that this new house will be either rented or sold. This is therefore a project to make income. We would like the board to vote against this proposal. We feel the property and configuration of the house are not suitable to a project of this kind."

Ms. Busconi: Where's that house in relation to?

Mr. Alarie: I can tell you on your assessor's map exactly if the chairman could pass me the folder.

Ms. Busconi: Is that the guy with all of the big tow trucks in the driveway?

Mr. Gordon: He owns a couple of lots across the street.

Ms. Busconi: I can tell you this in response, the gentleman that owns the house; he's had it on the market through the whole appeal process waiting for it to go through. He hasn't had one party interested in buying the house because it's a small, little house.

Mr. Gordon: Ron, when was this house built?

Ms. Busconi: In 1931.

Mr. Gordon: Is there a foundation?

Ms. Busconi: Yes.

Mr. George: Has the owner lived in this home?

Ms. Busconi: He's lived there for 2 years.

Mr. George: Has he used it for rental property?

Ms. Busconi: No, he's lived there for 2 years. He's a single guy.

Mr. Alarie: Mr. and Mrs. Pustis own Plots 17 and 18. Those are the ones directly across the street from this property.

Mr. Gordon: Across the street?

Mr. Confalone: Those are the ones with the broken down trailer and the foundation?

Mr. Alarie: Yes and I believe 1 of them only has a foundation on it.

Ms. Busconi: Yes.

Ms. Murphy: So, it's across the street.

Mr. Rosen: It's directly across.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition?

Mr. Alarie: I'm sorry, but I just noted that they also own Plot 9, the one directly to the left of the house as you face it from the street.

Mr. Gordon: Is there a structure on that property?

Mr. Rosen: There's a house there.

Mr. Gordon: Is there a structure on that? It looks like there's a line through it, so I'm not sure.

Mr. Alarie: Yes, there's a structure on that.

Mr. Gordon: It's the white house that's easterly of this one.

Mr. Confalone: It has the addition, the second floor addition.

Mr. George: Are there any more comments from the board?

Mr. Gordon: The property on Plot 9, when was that reconfigured? Ron, do you know?

Mr. Alarie: Not recently. It probably had to precede the change in the case law that dictated a special permit for expansion of nonconforming structures. I would say that that had to be done sometime before the late 80s.

Mr. Rosen: Is that this house here?

Mr. Alarie: Yes.

Mr. Confalone: What they are doing is the same as what's next door.

Mr. Palmer: We're not getting any closer to the property line. It's continuing the foundation of the house, basically.

Ms. Murphy: If you look at the property, it's set back from there. So, I don't see how raising that roof is going to impact on them at all.

Mr. Gordon: Besides, it looks at their roof.

Ms. Murphy: Yes.

Mr. Gordon: It doesn't look at their windows. Remember, this is a special permit, not a variance.

Mr. Palmer: Actually, the roof is going to get changed 90°. The gable will turn the other way, so they will have more of a view because they will be looking over the gable instead of the shed part of the roof.

Mr. Gordon: They'll be able to look at their trucks and their foundation.

Ms. Murphy: I don't see it as a problem. It's a special permit.

Mr. George: We're going to take it under advisement and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Celeste E. Busconi, 454 Walnut Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 26 Old Faith Road maintaining the existing setbacks of said property.

The dwelling situated upon the subject premises is very small, consisting of a single story and containing only approximately 450 sq. ft. of living space. The property as a whole is nonconforming in terms of its area, frontage and front and its westerly side yard setback as the house is positioned to the left front corner of the lot. The appellant proposes to add a 12 ft. by 20 extension to the rear of the structure and to construct a second story addition over the entire first floor area maintaining its existing setbacks.

The board concluded, after reviewing the appellant's presentation and plans, that the proposed expansion of this residence would not materially alter its nonconforming features or adversely affect the welfare of area residents. They noted that the general character of the Old Faith Road neighborhood, which was developed well before the institution of zoning, predominately consists of smaller, nonconforming lots and structures. They found that the completed building would be similar in design, construction and its siting when compared to many of these other properties and that it would significantly enhance this parcel. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: David Herring, 28 Tralee Lane, Shrewsbury, MA.

PURPOSE: To hear the appeal of David Herring, 28 Tralee Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool
25 ft. from the side lot lines of property located at 28 Tralee Lane.
The subject premises is described on the Shrewsbury Assessor's Tax Plate 43 as Plot 14-20.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: State your name for the record and please make your presentation.

Mr. Herring: Dave Herring. I've got the drawings with me. I'm not sure if you already have these available or not. It shows you the layout. In essence, we're looking for a standard-size in-ground pool. Due to the pie-shape of our lot, it will straddle over the
30 ft. setback. If I go into the setback to 25 ft., it fits in comfortably. I've already talked with each of the neighbors that will be affected by this. Actually, the most common question is, "How quickly can you have the pool put in?" So, that's their feeling on this.

Mr. Gordon: It's on the morning side though. You'd better watch the sun.

Mr. Herring: It will be okay.

Mr. Gordon: I had one question and I answered it for myself. I said to myself, "Why didn't you turn the pool 90° so that it could fit in?" Then I went and looked at your lot. The lot has severe slopes in the back. I don't think that would have worked unless you put the diving board up in the open space.

Mr. Herring: Yes. We actually looked at doing that and I had someone come and lay out my property and see what kind of pool we could fit in. We went out in the other direction because of that.

Mr. George: Are there any questions from the board?

Mr. Gordon: No. I don't have any problems with this.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of David Herring, 28 Tralee Lane, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an inground swimming pool 25 ft. from the side lot lines of property located at 28 Tralee Lane.

Upon review of Mr. Herring's proposal to install an inground swimming pool within the rear yard area of his property, the board concluded that, due to the triangular shape of the subject lot and its topography, the literal application of the minimum terms of the Zoning Bylaw would present a significant hardship to the appellant. It was their opinion that the reduction of the side yard setback for this structure by 5 ft., which would only affect a small section of the rear corners of the pool, would neither seriously depart from the intent of the bylaw nor create any condition which would adversely impact the welfare of area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Rebecca Breault and Kevin Roy, 32 Dewey Road, Shrewsbury, MA.

PURPOSE: To hear the appeal of Rebecca Breault and Kevin Roy, 32 Dewey Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 18 ft. from the rear lot line of property located at 32 Dewey Road. The subject premises is described on the Shrewsbury Assessor's Tax Plate 31 as Plots 222 and 223.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. Salerno opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record and make your presentation.

Ms. Breault: I'm Rebecca Breault.

Mr. Roy: I'm Kevin Roy.

Mr. Alarie: Mr. Chairman, before they proceed, I would just like to disclose that Ms. Breault is my niece. I would like to stress that I am not a voting member of the board and that I do not have any interest, other than being present to provide information to the board on this property. I would just like to disclose that before you start.

Mr. George: Very well.

Ms. Breault: We would like to add a 6 ft. addition onto the back of our house. Our bathroom is only 5 ft. x 5 ft. The kitchen is fairly small. So, we would just like to expand it out 6 ft. We spoke to our neighbors and there were no problems there.

Mr. George: Do you have any plans on what it might look like?

Ms. Breault: We don't.

Mr. Gordon: This is a before zoning lot?

Mr. Roy: Yes.

Mr. Gordon: It's probably the smallest lot in the neighborhood or one of the two?

Mr. Alarie: It's a 2-family home. You can see that it's well under the 16,000 sq. ft. It's only 70 ft. in depth. The setbacks are 30 ft. at the front and 40 ft. at the rear. So, it's well within the current setback requirements. However, it was developed well before the adoption of zoning.

Mr. Gordon: It's also the continuation of a nonconforming use?

Mr. Alarie: Right. There are actually 2 parts to this. One is the variance to further encroach on the rear yard setback. The second is to expand the 2-family dwelling.

Mr. Gordon: Did you talk to your neighbor to the rear?

Ms. Breault: Yes.

Mr. Gordon: And?

Ms. Breault: And they had no problem with our plan.

Mr. Gordon: Is it the same size lot?

Mr. Roy: No.

Mr. Gordon: No, he's got the much larger lot.

Mr. Roy: He has 2 lots.

Mr. Gordon: Yes. I get confused on lots. He has 2 lots?

Mr. Roy: Yes.

Mr. Gordon: And he has no problem with it?

Mr. Roy: None at all. He actually spoke with us about the same thing. He wants to add onto his house.

Mr. George: So, you're actually going out 6 ft. and going up both floors?

Ms. Breault: No. We're just going out on the first floor.

Mr. Confalone: So, this will be a step down on the house with an addition on the side? In other words, the house is 2 floors high.

Ms. Breault: Yes. The back roof comes down so it won't affect the top floor.

Mr. George: What will you have, like a shed roof coming off of the back for the addition?

Mr. Roy: Well, the way that the house sits, it sits on a hill. So, there is an apartment above us and there's the pitch of the roof. So, when we push the back of the house out the 6 ft., it looks perfectly normal. It wouldn't be like another apartment like this. It's the roof that comes down to the roof of our apartment. So, it would just look absolutely normal.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Rebecca Breault and Kevin Roy, 32 Dewey Road, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Rear Yard Requirement, Residence B-2 District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 18 ft. from the rear lot line of property located at 32 Dewey Road.

The appellant proposes to extend the rear wall of the two-family dwelling situated upon the subject property 6 ft. towards its rear lot line. The board noted that the size of this parcel, which is legal nonconforming as it contains only 8,400 sq. of land, and its depth of only 70 ft. preclude the placement of any structure or addition thereto upon this site in conformance with both the front and rear yard setback requirements. It was their opinion that, due to this configuration, the literal enforcement of the minimum terms of the Zoning Bylaw would impose a substantial hardship to Ms. Breault. Their review of other properties within this neighborhood revealed that many of the lots are nonconforming in terms of their frontage, area and the siting of the residences thereon and felt the reduction of the existing rear yard setback would not, in this instance, seriously depart from the intent of the bylaw or adversely impact the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Vittoria Mastrocola, 7 General Avenue, Shrewsbury, MA.

PURPOSE: To hear the appeal of Vittoria Mastrocola, 40 Grafton Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 8 ft. from the sideline of General Ave. upon property located at 7 General Ave. and an addition maintaining the existing rear yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plots 232, 233 and 224.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Please state your name for the record and make your presentation.

Ms. Mastrocola: Vittoria Mastrocola. I'm just requesting a variance for an addition, for a 2-car garage and maybe a farmer's porch attached to an existing house with maybe a bedroom and a bathroom.

Mr. George: Do you have any plans of what you're proposing?

Ms. Mastrocola: We have some plans.

Mr. George: Something that we could look at.

Ms. Mastrocola: The only plan I have is what I made a copy of.

Mr. George: Is this the one here?

Ms. Mastrocola: We didn't do all of it in case we didn't get a variance. Mr. Searles didn't really want to take the time to design the whole structure before we have the variance.

Mr. George: Usually we like to see what we're going to be voting on in order to grant something.

Ms. Mastrocola: This is what he told me to bring down.

Mr. George: We have that. That doesn't really give us too much of an idea of what you're proposing.

Ms. Mastrocola: This is my first time, so I did what I was told.

Mr. Gordon: What we would like is a sketch of the vertical building so that we can picture it in our own minds. What are they called, elevations?

Mr. Alarie: Yes, the exterior elevations. You had presented to me some plans from Mr. Searles before. I thought that they showed most of what you wanted to do.

Ms. Mastrocola: Right, but that didn't have the farmer's porch on it or anything of the existing on the 2-car garage and that.

Mr. Gordon: Do you have those with you?

Ms. Mastrocola: No, I didn't bring those with me because the farmer's porch or any part of the building that needed a variance wasn't drawn on it.

Mr. Confalone: The porch is triggering the variance?

Mr. Alarie: Yes. The front setback is being reduced due to the construction of the farmer's porch.

Mr. Gordon: Is it being reduced? Isn't there a porch there now?

Ms. Mastrocola: There are a couple of steps.

Mr. Gordon: It's a little step.

Mr. Alarie: It's a stoop that is there now and that would be exempt. When you add a full porch with a roof, you are subject to the setback requirement.

Mr. Gordon: It's not coming out any further than that?

Mr. Alarie: No. From the plot plan that you see, it's basically in line with the top of the stoop.

Mr. Gordon: The existing garage is coming down?

Ms. Mastrocola: No.

Mr. Gordon: That existing garage is going to remain?

Ms. Mastrocola: We're going to try to keep it.

Mr. Gordon: You're just going to change the driveway or is that the driveway? Yes, it's a new driveway?

Ms. Mastrocola: Correct.

Mr. Confalone: It's a new garage. Is that an addition to the existing garage?

Ms. Mastrocola: Right.

Mr. Confalone: That's within the existing setback?

Mr. George: No.

Mr. Confalone: No.

Mr. Alarie: The existing garage is nonconforming relative to the rear setback. You can see where it says house "Number 7" and then "Garage" within those hash marks, those are the existing structures. Everything else that's hashed in the opposite direction are all proposed additions.

Mr. Confalone: Oh, okay.

Ms. Murphy: What's the side yard setback there?

Mr. Alarie: Ten feet.

Mr. Gordon: What are these, 3 50 ft. lots?

Mr. Alarie: That's correct.

Mr. Gordon: So, the frontage is 150 ft. by 100 ft. Is this lot now conforming?

Mr. Alarie: This is in a B-1 District. It conforms, yes.

Mr. Gordon: So it went from nonconforming to conforming or was it always conforming because of the 3 lots?

Mr. Alarie: Well, in terms of area and frontage, it conforms. But, the placement of the existing house and that existing garage are nonconforming. The front setback of the house and the rear setback of the garage do not conform.

Mr. Gordon: How large is the farmer's porch going to be, 5 ft., 4 ft., 6 ft.?

Ms. Mastrocola: Do you mean the width of it?

Mr. Gordon: Yes.

Ms. Mastrocola: It's probably the width of the existing stairs that are there now.

Mr. Gordon: Okay. It's going to have a roof over it?

Ms. Mastrocola: Yes.

Mr. Confalone: The existing house is going to be added to?

Ms. Mastrocola: Right.

Mr. Gordon: You're adding a garage and you're adding a bedroom?

Ms. Mastrocola: And a bath.

Mr. Gordon: On the second floor or the first floor?

Ms. Mastrocola: On the first and second floors.

Mr. Gordon: So, you're adding 2 bedrooms and 2 baths?

Ms. Mastrocola: No, actually, we just hope to extend the first floor as a mudroom type of thing and then, I believe, upstairs there will be the bedroom and the bath.

Mr. George: So, you're really just adding 2 rooms?

Ms. Mastrocola: More or less.

Mr. George: And expanding 1 room.

Mr. Confalone: You're neighbors are okay with this?

Ms. Mastrocola: Everybody's fine. They think that it will upgrade the neighborhood itself. Actually, they're thrilled if it happens.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Do any board members wish to inquire? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Vittoria Mastrocola, 40 Grafton Street, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Front Yard Requirement, Residence B-1 District, and a special permit as required by Section IV, Subsection B, to allow the construction of an addition 8 ft. from the sideline of General Ave. upon property located at 7 General Ave. and an addition maintaining the existing rear yard setback of said property.

The single family dwelling and the detached garage situated upon the subject premises having nonconforming front and rear yard setbacks, respectively. The appellant proposes to construct a farmers porch to the front of the house, construct an addition to the rear of the structure that would connect to the garage and to then extend the northerly side of the garage so that it will accommodate two vehicles. Overall the proposed expansion would reduce the property's front yard setback by approximately 6 ft. and would utilize its existing rear yard setback.

Upon review of this appeal, the board found that, with respect to the special permit requested, the proposed expansion to the rear of Ms. Mastocola's residence and the existing garage would not materially change its nonconforming configuration or create any condition that would detrimentally impact the welfare of area residents. They found that the structure, when completed, would significantly enhance her property and would compliment the general character of other homes within this neighborhood. Likewise, they found that the construction of the farmers porch would similarly improve the appearance of the appellant's home and that the reduction of the existing front yard setback to accommodate this open structure would not seriously depart from the intent of the Zoning Bylaw or adversely impact that welfare of the general public. It was, therefore, unanimously voted to grant the appeal for both the special permit and the variance as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Rosen	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Gary Mattos, 745 Main Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Gary J. Mattos, 7 Wachusett Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Frontage Requirement, Residence B-2 District, to allow the division of property located at 745 Main Street into two lots, one having 92 ft. of frontage. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plots 68 and 394.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record and make your presentation please.

Mr. Grenier: Thank you, Mr. Chairman. My name is John Grenier, J.M. Grenier Associates, here on behalf of Gary Mattos, who is here with me.

The parcel in question is located right here. For reference, Dean Park Pizza is just adjacent to this parcel. The variance that is being requested is for a reduction of the required frontage for this existing lot. To give you a history of this parcel, this was bought by Dr. Dennis as 2 mutually exclusive parcels. He bought them in 1993 I believe.

Mr. Mattos: Somewhere around there.

Mr. Grenier: They were both under the same name under Dr. Dennis.

Mr. Mattos: Correct.

Mr. Grenier: Since then, 7 years have lapsed under common ownership. It has merged into 1 contiguous parcel. Since then, he has looked to sell the property. Mr. Mattos found out that they had merged. So, the historic lot line of these 2 parcels is here. They have different plot names or numbers on the assessor's map. They have different tax codes. This was the historic lot line between the 2 parcels. So, again, the variance that is requested is to basically bring this property line down to make them 2 mutually exclusive plots. Mr. Mattos is now purchasing this separate lot, which would be a duplex lot.

For your review, he has brought some tentative house plans of what he would be looking to put on this separate building lot. Again, the variance is for the reduction in frontage from the required 100 ft. It's going to be reduced by about 7.5 ft. to 92.55 ft. So, it's just a reduction of 7.5 ft. from the required 100 for this existing house lot.

Mr. Gordon: When was this lot originally created, before zoning?

Mr. Alarie: Excuse me?

Mr. Gordon: Was it nonconforming before zoning and then it became one lot?

Mr. Alarie: Yes.

Ms. Murphy: Why wouldn't you just split it into 2 conforming lots? There's enough frontage there to do that.

Mr. Mattos: It would be 2 conforming lots, but this would not be a duplex lot. You need 125 ft. for a duplex lot in a Residence B-2 District.

Ms. Murphy: So, it's because he wants to build a duplex on the other lot and he wants the variance on the house that's on the existing lot?

Mr. Grenier: Correct.

Mr. Gordon: Is Dr. Dennis keeping that house?

Mr. Mattos: Yes, he is.

Mr. Gordon: That's where his disabled daughter lives?

Mr. Mattos: Correct.

Mr. Grenier: So, this lot would be well beyond the minimum. It would have 125 ft. of frontage. It would be on over an acre in size. All of the setback requirements would be adequate. So, it would have the 125 ft. of frontage required by zoning and more than what would be required for a duplex. The minimum area would be 16,000 sq. ft; this has over an acre. So, that's why this lot makes an adequate duplex lot. There is plenty of area.

Mr. Rosen: What is your hardship for the granting of the variance?

Mr. Grenier: The hardship would be that, historically, it was 2 lots. The intention was always to have it as a saleable lot down the road for Dr. Dennis. When he went to sell it to Mr. Mattos, it came to his attention that he did not have 2 lots anymore and that he only had 1 lot. So, he owned this lot with the assumption that it was a separate lot.

Mr. George: But, he basically does have adequate frontage for another lot, it's just not a duplex lot. Is that correct?

Mr. Grenier: That is correct. It's an extensive lot.

Mr. George: Do any board members wish to inquire?

Mr. Gordon: It appears that he just fell asleep at the switch.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Just state your name for the record.

Mr. Dunn: My name is Arthur Dunn, the son of Mary Tyler Dunn whose residence is at 734 Main Street. My residence is in Cumberland, RI. I'm the son of Mary. I'm the executor.

Mr. George: And their residence would be where on Main Street?

Mr. Dunn: It's at 734 and it would be kitty corner across the street and to the west.

Mr. George: So, they are Plot 114?

Mr. Dunn: It's 734.

Mr. Gordon: He's looking at the tax plate.

Mr. Dunn: Oh, okay.

Mr. George: This one?

Mr. Dunn: No, the other one, going up one more. It's right there.

Mr. Rosen: It's actually one more past that.

Mr. Dunn: My question is that, in putting in a duplex, is that going to be one house or several houses that are going to be duplexes?

Mr. George: That's a question you are going to have to ask this gentleman.

Mr. Mattos: It's going to be just one.

Mr. Dunn: And where would that be situated?

Mr. Mattos: It's going to be within the front B-2 area.

Mr. Grenier: It will be one structure.

Mr. Dunn: So, it's not going to have anything to do with the back area at all? What are the intentions with the back?

Mr. Mattos: That would just be the rear yard. It has to be because it's a split zone.

Mr. Dunn: I understand that. So, once this duplex is put in place if the members do agree to this, he therefore does cut off all types of building in the back there, correct?

Mr. Alarie: Other than for accessory structures, yes. You're only permitted one residential building per lot.

Mr. Dunn: That's fine. I know that a long time ago Dr. Dennis had purchased that property. At one time, he came before, not necessarily this particular group of people, but another group of people trying to put a professional building in there. Can the zoning law, right now, once he puts the duplex in, change any of those floors into a business? I'm only asking.

Mr. Gordon: Only a home office.

Mr. Alarie: Right. There are provisions within our bylaw that residents can apply for a special permit for certain home occupations or professional offices. They can only utilize 25 % of any one floor.

Mr. Dunn: He cannot turn it completely into a full professional building?

Mr. Gordon: Don't you have to live in it if you want to do that?

Mr. Alarie: Not without relief from this board.

Mr. Dunn: It's just a matter of where, as I said, a long time ago it was going to be a full professional office. That's why I wanted to see if it's going to become that. If it could become that or has the ability to become that, then I would say that could be a potential problem.

Mr. Gordon: I think he moved up the street on the same side as where your mother's house is.

Mr. Dunn: Now, as far as the parking, if this is going to become a duplex, what is the law as far as parking requirements for such a duplex house? How will those be situated? Are they going to be in the front or are they going to be in the back? In other words, the neighborhood is sort of nice except for a few bad spots. Let's try to keep it a historical area. How many spots have to be made available or how many cars can be put in this duplex place even though there may not be sufficient laws according to the zoning laws, as such, so that it doesn't become a Dean Park Pizza, so to speak, for parking?

Mr. George: This duplex has a driveway for each unit and they usually have a couple of cars per unit.

Ms. Murphy: That's my concern, really, with what's before us. You're talking about building a duplex on a lot that would be a conforming lot that won't even come before us. So, we really have no say over it. In order for you to do that, you're asking us to grant you a variance on the remaining lot that then becomes an undersized lot. The concern that the neighbors all have is based upon what's going to go into the conforming lot. That's something that we really can't even address.

Mr. Dunn: I see no garages in the duplexes.

Mr. Mattos: There would most likely be at least a single garage on each side.

Mr. George: So, then you're increasing the size of the building?

Mr. Gordon: This is just a rendering then? This is not the actual building?

Mr. Mattos: Either one could be built. There are 2 of them there. It would probably be something like what Mr. Etre had across the street from Dean Park Pizza. There's a two-family right there. It's directly across from Dean Park Pizza. It will probably be something very much like that. If you look at Mr. Etre's, it will be something like that.

Mr. Gordon: Explain what Mr. Etre's is. Where's his garage?

Mr. Mattos: Well, if you look at the photo that you have of the hip roof, his lot is right across the street. I believe Mr. Etre owns that. It will be similar to that. It would be similar to this. I believe he has a one-car on each side now.

Mr. Gordon: On the front or on the side?

Mr. Mattos: On the front. The garages face the front of the house. It's a very sizable lot. There aren't many one acre lots left in Shrewsbury that are right on Main Street.

Mr. Gordon: If this were approved, then you would have no objection, number one, to a limit of only a single car garage on each side?

Mr. Mattos: I have no problem with that.

Mr. Gordon: And, number two, that this land will not ever be able to be subdivided again so that what today you build is what's going to be there?

Mr. Mattos: Sure. I don't think it could ever possibly be subdivided.

Mr. Gordon: Because it doesn't have any frontage?

Mr. Mattos: It doesn't have frontage. It could never be used for anything else as far as I know. There's no way to access the back.

Mr. Gordon: I'm looking at the broad view. If the contractor's willing to do it voluntarily, why not do it?

Mr. Alarie: You could set stipulations that would affect both properties because they are both part and parcel to this appeal. There's no question concerning that.

Mr. Rosen: Okay.

Mr. Grenier: Currently, it is one parcel.

Mr. Confalone: It's a nice piece of property.

Mr. Mattos: It's a huge piece of property.

Mr. Gordon: Are there plans to refurbish the existing house?

Mr. Mattos: Not by me. I think Bill has done some work on the house in the last 3 to 4 or 5 years.

Mr. Alarie: Within the past 3 or 4 years, they put an addition onto the Dean Park Pizza side of that structure.

Mr. Gordon: How many people live in that house, Ron? Is it a multiple dwelling or is it a single or what?

Mr. Alarie: I think there are 3 or 4 individuals that live in that house.

Mr. George: Are there any other questions from the audience?

Ms. Tucker: Yes. I'm Roberta Tucker. I live at 725 Main Street. It's a couple of houses up the street.

Mr. Gordon: On the same side?

Ms. Tucker: Yes.

Mr. Dunn: She is next to the red brick house to the left.

Ms. Tucker: Right. My concern is obviously about the safety because I find that road to be difficult to navigate as you're getting in and out. It's a busy road. To me, I would favor it if you want to build one house, but having two families in there just adds to what I think is a really dangerous road for people getting in and out. That's a concern for me from a safety point of view. I guess I was a little confused because I received 2 letters in the mail. So, I'm a little confused as to where this building is exactly going. Can you tell me?

Mr. Mattos: I have to tell you there was a misprint on the ad. It was originally at Dr. Dennis's office, but it was corrected on the second advertisement.

Ms. Tucker: There's one on the side there. What house is that?

Mr. Grenier: This is Dean Park Pizza right here and this is the white house right next to it. Then, do you see where the open field is? That's this parcel right here. So, the house would be going, probably, in the middle of the field.

Mr. Mattos: But, in the front zone. It can't go in back too far.

Mr. Grenier: It can't go in the back. As soon as you get into this area, you need to have 150 ft. of frontage.

Ms. Tucker: I just think that getting 2 driveways is just adding to the already dangerous situation. It's just my opinion.

Mr. George: Thank you.

Mr. Confalone: All of these homes are single family homes on the street otherwise?

Mr. Mattos: No.

Ms. Tucker: No, but they have 1 single driveway.

Mr. Vignaly: There are a lot of multi-family homes.

Mr. George: State your name please.

Mr. Vignaly: Joe Vignaly. I own the property at 735 Main Street, to the left of the lot. My question is, once this variance or if the variance is approved, what flexibility do they have to change the building, the height, the location of that? How much flexibility do they have within the plans?

Mr. George: As long as they stay within the setbacks, they can make some changes.

Mr. Alarie: Well, the board could insist that the final plans, both site plans and building plans, be submitted for approval. You could lock it in in that regard or you could simply state what the minimum and the maximum heights are and lot coverage percents, although it is a rather large lot. The lot coverage percent in that district is 30 %. That would cover quite a bit of that lot. There are existing zoning standards or controls that govern that. But, the board has in the past required submission of the final plans for review and approval.

Mr. George: Does that answer your question?

Mr. Vignaly: Yes, thank you.

Mr. Dunn: My problem with this is that, obviously, you're taking a conforming lot and making a nonconforming lot out of it. Are you adamantly opposed to putting just a single family house on it? In that case, you can get two lots out of it.

Mr. Mattos: I think the housing in the area is very expensive. We see it all of the time, the inability of people to obtain housing. The housing is off of the chart.

So, I think something in the \$300,000 range is a lot more feasible than these \$500,000 or \$600,000 houses.

Mr. Gordon: Well, if you do it, it's a \$600,000 house.

Mr. Dunn: I would just like to say that the house just to the right of 734 Main Street, going on the eastbound side, just sold recently for \$349,000. The red house across the street that was just redone just sold 2 years ago for \$275,000. They're not \$600,000 homes there. Those are old Colonial homes, old homes that in some essence are just, even a house just to the right of my mother's house, in very poor shape. A lot of money would have to go into it. I'd also say the same thing for my mother's house, which we've had for 50 some odd years with a rotting barn in the back. I know that, on the market today, if somebody moved into that house, they would at least put in \$100,000 and make the barn more suitable and seal the structure. So, to sell that house for \$600,000, no. Just build a new house on that lot and sell it for \$600,000, no. That will never happen because the market for the houses right now is dictated by what is along the street. So, therefore, I disagree with Mr. Mattos on that. Six hundred thousand dollars is off of the scale. Maybe in the neighborhood across the street, up with the Etres, yes, but not on Main Street.

Mr. Gordon: We're not even supposed to consider the pricing of houses as part of the variance.

Mr. Dunn: Obviously not. My main concern is the size and how it affects our property.

Mr. Rosen: You can split it into 2 conforming lots.

Mr. Confalone: It's not easy to get over the hardship if you can conform.

Mr. Rosen: By just carving it out.

Mr. Confalone: Like they pointed out and make it a single family lot.

Mr. Rosen: Right.

Mr. George: Are there no other comments from the board. Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

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Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals voted one in favor of and four opposed to the granting of the appeal of Gary J. Mattos, 7 Wachusett

Ave., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Frontage Requirement, Residence B-2 District, to allow the division of property located at 745 Main Street into two lots, one having 92 ft. of frontage.

The subject property consists of two contiguous, commonly owned parcels with a single family home situated upon the westerly most lot. The second lot is vacant, contains approximately one acre of land and is the primary subject of this appeal. Although the variance requested relates to the frontage on the existing improved lot, that relief is necessary to permit the appellant to construct a two-family dwelling upon the vacant tract.

In considering this appeal, the majority of the board concluded that there were no hardships affecting this property, either collectively or singularly, relating to physical features that prevented its use or development in full compliance with all of the applicable provisions of the Zoning Bylaw. They noted that each parcel currently conforms to the Table II provisions of the bylaw relative to frontage and area for single family use and felt that the granting of the relief requested, which would result in the creation of a nonconforming lot, would seriously derogate from both the intent and the purpose of the bylaw. They, therefore, unanimously voted to deny the appeal.

One member of the board noted that this property abuts commercial buildings along its easterly border, one an active restaurant and the second a food processing business, and felt that the construction of a two-family dwelling upon the vacant parcel would not conflict with the intent of the Zoning Bylaw. It was his opinion that the large size of this plot would more than offset the minimal reduction of the frontage for the adjoining lot and that the granting of the relief requested, in this instance, would not adversely impact the welfare of either the general public or area residents. He, therefore, voted to grant the appeal.

Vote

Mr. George	No
Mr. Gordon	Yes
Ms. Murphy	No
Mr. Rosen	No
Mr. Confalone	No

PUBLIC HEARING: Peter Stathouloupoulos, 181 Main Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of Peter Stathouloupoulos, 181 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, and a variance to Section VII, Table II, Maximum Lot Coverage Percent, Rural B District, to allow the construction of an office building upon property

located at 181 Main Street with said building covering 18% of the lot area of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 20 as Plot 1.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Ronald I. Rosen, Alfred C. Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on May 3, 2004 and May 10, 2004.

Mr. George: Just state your name for the record.

Mr. Stathouloupoulos: Yes, Peter Stathouloupoulos.

Mr. George: Please make your presentation.

Mr. Riel: John Riel, with J.R. Associates. There's an existing single family home on the site right now and in this area here there's an existing driveway. These are the boundary lines at this point and they extend out from here all the way down to here. The existing building next door is located at this point right here. Their playground area is in this area right here. This is the rip-wrap that comes down from the edge of the property line.

What we're looking to do is put in an 8,700 sq. ft. footprint building here which would be a single story in the front. The middle portion would be 2 stories which would be accessed from the rear of the building. As we drive up the driveway, there will be an incline as it goes up with the existing grade that's there right now. There will be parking along the back for that part of office complex.

The whole building is going to be designed for office use. That's what we're looking to do, no retail, basically just office use. Mr. Stathouloupoulos is going to be taking the center portion of the building for his own dental office. He's looking to get rental income on either side of him for medical tenants, medical offices. We have all of our parking designed in the front for the office use as well as the back. We have our landscaping. We have a detention pond here, basically the same as what was designed next door. We'll be tying that into the existing drainage system that's in the street right now. So, we have proposed all our runoff to be detained in the pond and be able to run out and connect to the existing drainage.

Mr. George: Ron, are they just looking for a special permit for this?

Mr. Alarie: No. There's a variance included. The special permit relates to the office use within the Rural B District. The maximum coverage in this district is 10 % and they are requesting about 18%.

Mr. Riel passed out sketches of the proposed building to the board members.

Mr. Riel: This is what the proposed building will look like. It will be a steel frame building basically designed with drive-it and brick on the outside to give it kind of an old fashioned look.

Mr. George: What's that?

Mr. Riel: It's the stucco type look that's being used everywhere today. It's called an "IFS System." Then there will be some brick in the design as well.

Ms. Murphy: You're looking for 18 % lot coverage on this as opposed to 10 %, which is required by the zoning. What is it about the lot that would justify an 18 % lot coverage as opposed to the 10 %?

Mr. Riel: Well, what we're trying to do is we're trying to get, obviously, as much floor space as possible in the building in order to get our tenants in there for him to be able to take the building himself and get some tenant space.

Ms. Murphy: Okay, so you're trying to maximize the profit on the rental of the building?

Mr. Riel: That's right.

Ms. Murphy: Thank you.

Mr. Gordon: John, are you aware that this is in an aquifer zone?

Mr. Riel: Yes.

Mr. Gordon: You are going to have a sea of asphalt?

Mr. Riel: Yes. The engineers have taken that up in the consideration of the drainage.

Mr. Gordon: I just have a curiosity question. For the last month I have been watching the sign, white and black that says 177 Main Street, moving from the rip-rap back and forth. What does that mean?

Mr. Riel: What is it?

Mr. Stathouloupoulos: I just saw that today too. I think that's from next door.

Mr. Gordon: Mulberry is 177, but that sign has been moving around. Is there some question there?

Mr. Stathouloupoulos: Actually, it's the first time I saw it when I went by today.

Mr. Gordon: It's been there a month.

Mr. Stathouloupoulos: Yes.

Mr. Gordon: Is there some question as to where the property lines are? Is it at the top of the rip? Is it farther back?

Mr. Riel: No. It's actually at the very top of the rip-wrap. We've had it surveyed. We had a guy go out, a surveyor go out and establish this line. So, we know exactly where that is. He did detail on all of this rip-wrap here.

Mr. Confalone: What was the size of this lot?

Mr. Riel: The size of the building itself?

Mr. Confalone: No, the lot size.

Mr. Riel: Oh, the lot size itself is 48,330 sq. ft.

Mr. Gordon: A little over an acre.

Mr. Riel: Yes, 1.1 acres.

Mr. Confalone: What's preventing you from staying within the area that you need to be in, 10 % of the lot?

Mr. Riel: Well, again, we're trying to maximize it for his use trying to get as much potential for his tenants as possible.

Mr. Stathouloupoulos: We're trying to get specialists along with just being a general dentist. We're trying to have some specialist downstairs, orthodontists, oral surgeons and anybody else that would be a medical/dental specialist.

Mr. Riel: The area is too small. As it is, these areas really aren't that big to begin with. The lengths here are only 48 ft. His area in the middle is only 40 ft.

Mr. George: So, what's the total square footage of the building?

Mr. Riel: The total square footage is 8,704 sq. ft.

Mr. Rosen: Plus the 2nd floor.

Mr. Gordon: Plus the 2nd floor.

Mr. Riel: The 2nd floor is only in the middle and that is 2,560 sq. ft.

Mr. Gordon: So, it's 11,000 sq. ft.?

Mr. Riel: Together, right.

Ms. Murphy: I understand the design is that you're only going up in the center.

Mr. Riel: Right.

Ms. Murphy: But what would prevent you from going up on the sides and then not encroaching on your lot coverage?

Mr. Riel: Because the building will not be designed to be able to do that.

Ms. Murphy: It's merely a design issue?

Mr. Riel: It's a steel metal frame building. You really can't do it. If you did it with a block building, then you could do that down the road. But, that's not the design of the building.

Ms. Murphy: Okay.

Mr. Riel: They would have to actually tear the building down on either side of these flanks right here in order to do that. He's not going to do that.

Ms. Murphy: Okay.

Mr. Gordon: I have several problems. One, we're maximizing a building and I don't know if that's the proper thing to do when we're giving a variance. Two, all I see is parking. I know there is some green in there because I see some circles, but I would like to see an awful lot more green because of where it is. What you're going to do is you're going to have the surface water, storm water, running into the drains as opposed to running into the ground in an aquifer zone.

Also, the 2nd story will look down on the houses in that back area and really infringe upon their privacy which is the same issue we had, if you remember, with Mulberry, who wanted to build into ground so that it didn't affect the people who were living up there. Those are my initial problems in a nutshell. Explain those away for me and maybe I'll give it more thought.

Mr. Riel: Okay, this middle section, like I said, the 40 ft., the ceiling height in there is 9 ft. Then there will be a couple of feet there for the roof system itself and then we've got a 4 to 12 pitch, which you can see. We're basically staying with a house design similar in back here. These other 2 flank sides will be just as

you said. They will be basically built into the embankment there. So, there'll be a low roof area on each side of the middle of the building, there, but the middle won't be any larger than if there was a house put up there that had a story in the back. We're not looking to create anything larger than that. We're trying to keep in with the height, actually, of the building. You can see right there, we're only at 32 ft. 8 in. at the highest point. That's measured from the front of the building, not the back.

Mr. George: How far are you from the rear lot line of the property?

Mr. Riel: Lets see, 53.5 ft. We've got the stone wall that runs across here.

Mr. George: Right.

Mr. Riel: To answer his other question, all of the areas that you can see that will be around here, especially all of this area on the side of the building which abuts Mulberry, will be all grass. It's all loam and seeded. Across the front here where the detention pond is and all this snow storage area, is all green. So, you're going to see a large portion of grass in the front here before we even get to the parking lot.

Mr. George: The snow storage area, is that all pavement?

Mr. Riel: No, that will be on the grass area.

Mr. George: That is all grass?

Mr. Riel: Yes. It does state right on there that it will be seeded.

Mr. George: You have plans to tie into sewerage and town water?

Mr. Riel: Correct.

Mr. Gordon: Mr. Chairman, this came before the planning board. We sent it back here because, at that time, they were requiring a variance. We thought that we'd better resolve the variance situation before we even begin to think about it. So, there is a site plan review pending.

Mr. George: Already on file?

Mr. Gordon: Upstairs, I believe.

Mr. Riel: Well, we had filed for it, but they told us to hold off and to take it back until we went through the variance process.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Just state your name for the record.

Mr. Kuehl: Mr. Kuehl, 9 Dana Road. So, the back yard that he's talking about and what they would be looking into is mine. My neighbor, Paul Cerrone, couldn't be here tonight because he's out of town on a business trip. He asked me come and listen in. So, first off, I love that they are going to remove that old house. It's an eyesore. It's one of the worst buildings in Shrewsbury.

That said, I have some real concerns about the size of the building just given the lot size. I'm wondering what would stop them, if anything, from going up another level on either side. If I built a house and I wanted to later build an expansion on it, I'd probably take those 2 sides up to that same level. I'm just wondering if there's any possible way that they'd be able to do that afterwards?

My real concern though has to do just with visibility to the back. Obviously, when the trees have leaves, it does screen it somewhat. There's about a 30 ft. or 20 ft. town owned strip that goes through that. So, it's not like I really have a lot of flexibility even if I put up a fence myself or put up trees and stuff like that. I can't. I can't build in that area which is really town owned.

Mr. Gordon: You're in a cluster.

Mr. Kuehl: What's that?

Mr. Gordon: You live in cluster with the old open space that surrounded it.

Mr. Kuehl: Yes, that surrounded the whole cluster, right. So, when the trees loose their leaves and there are all kinds back there, you can see right straight through. There's no visibility blockage at all. Paul has a swimming pool. So, both of our primary concerns are just the privacy issues. I think both he and I were of the mind that hey, we're not totally against this as long as we could put some evergreens in a row back there and that they come up high enough so that the visibility to our back yard would be obstructed.

I think another concern was just the lighting in the parking lot. So, if there were regular flat lights, whether they be on a timer or not and if I go out on my deck at 8:00 at night, I could be staring into parking lot lights rather than seeing grass.

Those are my real concerns. I was actually pleased to see that you're actually a pretty good distance from my line, although it's all asphalt. That's really it. To me, the biggest thing was the privacy issue.

Mr. George: Thank you.

Mr. Kuehl: The Mulberry thing, as much as I think there was a lot of angst about it, from my perspective, has turned out wonderfully. I have no problems whatsoever. Your plan for keeping them in the ground worked. The reality is that I have clear visibility through there in the winter time. It's really not an issue at all. We don't even really see them. The one advantage there is that the cars are down as well. We don't even see people parking or hear them. With this, they would be up at a higher level where you would definitely hear people getting out of their cars.

Mr. George: I just want to let you know that we have couple of letters here. One is from Paul Cerrone and Mary Grace Cerrone.

Mr. Kuehl: That's my neighbor.

Mr. George: "This letter is in regards to the zoning hearing for a special permit. I live at 7 Dana Road and my back yard would abut this property if it weren't for a small piece of town open space that separates them. I have reviewed the proposed plan and although I am not opposed to an office building being constructed on this site, I am concerned regarding the size of the proposed building. They are proposing lot coverage of 18 % which is 80 % larger than the current zoning allows. I am also concerned that the rear parking appears to be very close to the end of the property line without some type of barrier and that I may be affected by noise, vehicle lights and parking lot lighting. I am unable to attend the hearing. I will be out of the state for business. Please use your discretion and consider the affect of the neighbors when reviewing their proposal." That's one letter

I've got another letter from Diane Bisnette. "In regards to the appeal of the above named applicant we would request that the board denies same. Business or professional offices are an allowed use pending the granting of a special permit. The permitting process would have to show that the proposed use would not be detrimental to the neighborhood. We agree that anything done to remove the blight that exists next door would be an improvement but an office building certainly is not in the flavor of this residential area. We believe the granting of a special permit would be detrimental to this neighborhood. We will not even play the increased traffic card. In the matter of the variance for the proposed increase in lot coverage, we believe this would set a dangerous precedent. There are several large parcels in this area with which special permits only could change the makeup of the neighborhood. This parcel was purchased in April of 1986 by the Stathouloupouloses and the zoning and potential uses have not changed. The property is a drag on the neighborhood but we do not think it prudent for the neighborhood to change just to accommodate years of neglect. Again, we would urge a denial of a special permit and a variance on the above subject matter. Sincerely, Philip & Diane Bisnette".

Mr. Gordon: They purchased this house about 2 years ago? That was Mr. Orizzi's house?

Mr. George: Yes.

Mr. Riel: A couple of things I would like to add?

Mr. George: Go ahead.

Mr. Riel: Keeping in mind again, Peter's office is going to be up on that 2nd floor. It's a dental office so his hours don't go past 5:00.

Mr. Stathouloupoulos: Six.

Mr. Riel: Six at the very latest. So, in keeping with an office complex area instead of some type of retail store, basically nothing is going to be open past 5:00 or, like you said, 6:00 at the latest. All of the lights and everything will be put on timers including the back lighting. We can put up a fence or we can put up evergreens, whatever they want, to keep out the noise and for screening. We would be more than willing to do that.

Mr. George: What about the size of the building? Do you have to stay with that size of a building?

Mr. Riel: Well, that's what we would like to do, but we'll do what we have to do, I guess.

Mr. George: Are there any other questions from the board?

Mr. Kuehl: I have one more question. How big is the Mulberry building in terms of size?

Mr. George: Ron, do you know?

Mr. Alarie: I believe the Mulberry building ended up at 10,000 sq. ft.

Mr. Kuehl: Is that on a bigger lot?

Mr. Gordon: I don't remember. Yes, it looks it.

Mr. Alarie: It looks like about 1/3 larger.

Mr. George: Which is 1/3 larger, Ron?

Mr. Alarie: The Mulberry lot.

Mr. Gordon: Is there going to be excavation or are you building at grade?

Mr. Riel: Well, we'll try to stay with the natural grade that's there. That's why we have the incline in the driveway into the back.

Mr. Gordon: So, unlike Mulberry, which sits in the ground, you guys would be just level with the property?

Mr. Riel: Only for that 2nd floor section. The rest of it will be in the ground, similar to Mulberry's.

Mr. Gordon: Are you saying that the back parking lot will be above the building?

Mr. Riel: Well, no, that parking lot will be at the grade level.

Mr. Alarie: It will be more or less at the ceiling height of the first floor?

Mr. Riel: Correct.

Mr. Gordon: That's what I was asking.

Mr. George: Does anyone else have a question? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 18, 2004, the Shrewsbury Zoning Board of Appeals unanimously voted to deny the appeal of Peter Stathouloupoulos, 181 Main Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, and a variance to Section VII, Table II, Maximum Lot Coverage Percent, Rural B District, to allow the construction of an office building upon property located at 181 Main Street with said building covering 18% of the lot area of said property.

The board reviewed the appellant's proposal to construct a medical office building upon the subject premises having a first floor area of 8,704 sq. ft. and a partial second floor containing 2,506 sq. ft. and noted that, with building and paving, over 57% of the site's land area would be rendered impervious. They further noted that the size of the proposed building was not dictated by site constraints or other hardships impeding its development for the aforementioned purpose but rather was designed to provide a maximum amount of rental space. It was their opinion that, in this instance, the granting of the variance would permit the overdevelopment of this property, would not comply with the statutory requirements for the issuance of such relief and would substantially derogate

from both the intent and the purpose of the Zoning Bylaw. It was, therefore, unanimously voted to deny this facet of the appeal.

With respect to the appellant's request for the issuance of a special permit, the board found that, since the site could not be developed as shown on the site plan presented without relief from the maximum lot coverage percent restriction, the proposed use of this property for office purposes could not be established thereon. Accordingly, it was unanimously voted to deny the special permit.

Vote

Mr. George	No
Mr. Gordon	No
Ms. Murphy	No
Mr. Rosen	No
Mr. Confalone	No